

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs)	NO. EP-22-CR-00773-DB
)	
ADRIAN GIL, II,)	
Defendant.)	

**GOVERNMENT’S MOTION REQUESTING ADDITIONAL TIME
TO RESPOND TO DEFENDANT’S MOTION TO WITHDRAW HIS GUILTY PLEA
AND DISMISS INDICTMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas, and files this Motion Requesting Additional Time to Respond to Defendant’s Motion to Withdraw His Guilty Plea and Dismiss Indictment and would respectfully show the Court the following:

**I.
Background**

Defendant, having pled guilty to being a drug user in possession of a firearm under Title 18 United States Code, Sections 922(g)(3) & 924(a)(2) was awaiting sentencing when Defendant’s counsel on Monday, February 27, 21023, based on recent cases from the United States Supreme Court and the 5th Circuit Court of Appeals, filed a motion to withdraw Defendant’s plea and to dismiss the Indictment against him.

The Court, at the sentencing hearing recognized the filing and stated he would await the government’s response prior to issuing his order. The government response is due on or about March 10, 2023.

Because of the significance of the issue with regards to the firearms statutes raised in Defendant's motion, the government is asking for an additional week in which to file its response.

Conclusion

Government counsel is respectfully requesting the Court grant an extension of time until the close of business on March 17, 2023, in which to respond.

Respectfully submitted,

JAIME ESPARZA
UNITED STATES ATTORNEY

By: Stanley M. Serwatka
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CERTIFICATE OF SERVICE

I hereby certify that on the March 3, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following participant:

Denise E. Butterworth,
Attorney for Defendant

/s/
Stanley M. Serwatka
Assistant U.S. Attorney

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vs

**ADRIAN GIL, II,
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NO. EP-22-CR-00773-DB

ORDER

On this date, came on to be considered the Government's Motion Requesting Additional Time to Respond to Defendant's Motion to Withdraw His Plea and to Dismiss Indictment. The Court having considered same, is of the opinion that said Motion should be granted.

IT IS THEREFORE ORDERED that the Government's Motion Requesting Additional Time to Respond to Defendant's Motion to Withdraw His Guilty Plea and Dismiss Indictment is hereby GRANTED.

IT IS FURTHER ORDERED that the Government shall have until the close of business on March 17, 2023, in which to file its response.

SIGNED AND ENTERED this _____ day of March, 2023.

HON. DAVID BRIONES
UNITED STATES DISTRICT JUDGE